

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DENHOLLANDER, *et al.*,

Plaintiffs,

v.

MICHIGAN STATE UNIVERSITY, *et al.*,

Defendants.

Lead Case 1:17-cv-00029-GJQ-ESC and
all consolidated member and related cases:

1:18-cv-00773-GJQ-ESC

1:18-cv-00806-GJQ-ESC

1:18-cv-00828-GJQ-ESC

1:18-cv-00829-GJQ-ESC

1:18-cv-00831-GJQ-ESC

1:18-cv-00886-GJQ-ESC

1:18-cv-00913-GJQ-ESC

1:18-cv-00915-GJQ-ESC

1:18-cv-00944-GJQ-ESC

1:18-cv-00968-GJQ-ESC

1:18-cv-00982-GJQ-ESC

1:18-cv-00987-GJQ-ESC

1:18-cv-00993-GJQ-ESC

1:18-cv-00995-GJQ-ESC

1:18-cv-01005-GJQ-ESC

1:18-cv-01006-GJQ-ESC

1:18-cv-01010-GJQ-ESC

1:18-cv-01012-GJQ-ESC

1:18-cv-01016-GJQ-ESC

1:18-cv-01018-GJQ-ESC

1:18-cv-01025-GJQ-ESC

1:18-cv-01027-GJQ-ESC

1:18-cv-01038-GJQ-ESC

1:18-cv-01042-GJQ-ESC

1:18-cv-01045-GJQ-ESC

1:18-cv-01046-GJQ-ESC

1:18-cv-01047-GJQ-ESC

1:18-cv-01056-GJQ-ESC

1:18-cv-01057-GJQ-ESC

1:18-cv-01058-GJQ-ESC

1:18-cv-01060-GJQ-ESC

1:18-cv-01169-GJQ-ESC

1:18-cv-01258-GJQ-ESC

1:19-cv-00178-GJQ-ESC

1:19-cv-00440-GJQ-ESC

1:19-cv-00579-GJQ-ESC

Related Case:

1:19-cv-00629-GJQ-ESC

Hon. Gordon J. Quist

MSU DEFENDANTS' JOINT OMNIBUS MOTION TO DISMISS

ORAL ARGUMENT REQUESTED

Defendants Michigan State University, the Board of Trustees of Michigan State University, and the MSU Sports Medicine Clinic (collectively, “MSU”) and defendants Douglas Dietzel, Lianna Hadden, Kathie Klages, Jeffrey Kovan, Brooke Lemmen, Kristine Moore, Lou Anna Simon, Gary Stollak, William Strampel, and Destiny Teachnor-Hauk (collectively, the “MSU Individuals” and, together with MSU, the “MSU Defendants”), by their respective attorneys, jointly move to dismiss all of the following operative complaints (collectively, the “Complaints”) in the following consolidated and related cases¹:

1. *Kowalski v. Mich. State Univ., et al.*, 1:18-cv-00773-GJQ-ESC
2. *Jane KJTM Doe v. Mich. State Univ., et al.*, 1:18-cv-00806-GJQ-ESC
3. *Espinosa v. Mich. State Univ., et al.*, 1:18-cv-00828-GJQ-ESC
4. *Jane LAM Doe, et al. v. Mich. State Univ. Bd. of Trs., et al.*, 1:18-cv-00829-GJQ-ESC
5. *Jane Doe AC, et al. v. Mich. State Univ., et al.*, 1:18-cv-00831-GJQ-ESC
6. *Myers v. Mich. State Univ., et al.*, 1:18-cv-00886-GJQ-ESC
7. *Jane Doe v. Mich. State Univ., et al.*, 1:18-cv-00913-GJQ-ESC
8. *Hutchins ex rel. Jane IL 1 Doe, et al. v. Mich. State Univ., et al.*, 1:18-cv-00915-GJQ-ESC
9. *Jane Doe ME v. Mich. State Univ., et al.*, 1:18-cv-00944-GJQ-ESC
10. *Campbell, et al. v. Mich. State Univ., et al.*, 1:18-cv-00968-GJQ-ESC
11. *Jane AC Doe, et al. v. Mich. State Univ., et al.*, 1:18-cv-00982-GJQ-ESC
12. *Jane L.B. Doe, et al. v. Mich. State Univ., et al.*, 1:18-cv-00987-GJQ-ESC
13. *Jane KRA Doe v. Mich. State Univ., et al.*, 1:18-cv-00993-GJQ-ESC

¹ Member cases that do not appear on this list have been settled or settled in principle as against the MSU Defendants.

14. *Jane R7 Doe v. Mich. State Univ., et al.*, 1:18-cv-00995-GJQ-ESC
15. *Brown v. Mich. State Univ., et al.*, 1:18-cv-01005-GJQ-ESC
16. *Kuter, et al. v. Mich. State Univ., et al.*, 1:18-cv-01006-GJQ-ESC
17. *Jane Doe KJ v. Mich. State Univ., et al.*, 1:18-cv-01010-GJQ-ESC
18. *Buchanan, et al. v. Mich. State Univ. et al.*, 1:18-cv-01012-GJQ-ESC
19. *A.G. Doe, et al. v. Mich. State Univ., et al.*, 1:18-cv-01016-GJQ-ESC
20. *Wampler, et al. v. Mich. State Univ., et al.*, 1:18-cv-01018-GJQ-ESC
21. *Jane A.A.K. Doe v. Mich. State Univ., et al.*, 1:18-cv-01025-GJQ-ESC
22. *Jane MB45 Doe v. Mich. State Univ., et al.*, 1:18-cv-01027-GJQ-ESC
23. *Jane Doe I, et al. v. Mich. State Univ., et al.*, 1:18-cv-01038-GJQ-ESC
24. *Jane Doe RK v. Mich. State Univ., et al.*, 1:18-cv-01042-GJQ-ESC
25. *Jane MKG Doe v. Mich. State Univ., et al.*, 1:18-cv-01045-GJQ-ESC
26. *Davis v. Mich. State Univ., et al.*, 1:18-cv-01046-GJQ-ESC
27. *Epple, et al. v. Mich. State Univ., et al.*, 1:18-cv-01047-GJQ-ESC
28. *Williams v. Mich. State Univ., et al.*, 1:18-cv-01056-GJQ-ESC
29. *Nagle v. Mich. State Univ., et al.*, 1:18-cv-01057-GJQ-ESC
30. *Zalenski v. Mich. State Univ., et al.*, 1:18-cv-01058-GJQ-ESC
31. *Morris v. Mich. State Univ., et al.*, 1:18-cv-01060-GJQ-ESC
32. *Jane BR1 Doe ex rel. Jane BR2 Doe v. Mich. State Univ., et al.*, 1:18-cv-01169-GJQ-ESC
33. *John N. Doe ex rel. Jane N. Doe v. Mich. State Univ., et al.*, 1:18-cv-01258-GJQ-ESC
34. *Jane Doe 22, et al. v. Mich. State Univ., et al.*, 1:19-cv-00178-GJQ-ESC
35. *Jane Doe 24, et al. v. Mich. State Univ., et al.*, 1:19-cv-00440-GJQ-ESC
36. *Jane O. Doe v. Mich. State Univ., et al.*, 1:19-cv-00579-GJQ-ESC
37. *Kaufman v. Mich. State Univ., et al.*, 1:19-cv-00629-GJQ-ESC

This motion is brought under Fed. R. Civ. P. 12(b)(1) and Fed. R. Civ. P. 12(b)(6) in lieu of filing answers. In support of their motion, the MSU Defendants rely on the facts and legal arguments set forth in their accompanying brief.

Pursuant to Local Civil Rule 7.1(d), prior to filing this motion, MSU's counsel sought concurrence from all Plaintiffs' counsel. Plaintiffs' counsel expressly denied concurrence or otherwise failed to respond, thereby making this motion necessary.

WHEREFORE, for these reasons and those stated more fully in the accompanying brief, the MSU Defendants respectfully request that the Court grant this motion and dismiss Plaintiffs' Complaints in their entirety with prejudice, and award any other relief to which the MSU Defendants may be entitled, and the Court deems appropriate, under the circumstances.

Dated: August 26, 2019

Respectfully submitted,

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Certificate of Service

I hereby certify that on August 26, 2019, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send notification of such filing to all attorneys of record.

/s/ Amy L. Van Gelder

Amy L. Van Gelder